

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 ELENA L. ALMANZO  
Deputy Attorney General  
4 State Bar No. 131058  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 322-5524  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME**  
**FURNISHING AND THERMAL INSULATION**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. AN 2011-103

13 **HECTOR PALACIOS,**  
14 **aka HECTOR GALVEZ PALACIOS,**  
**dba IDOCTOR REPAIRS**  
15 **4940 N. Cedar Avenue**  
**Fresno, CA 93726**

**STATEMENT OF ISSUES**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Joanne Mikami ("Complainant") brings this Statement of Issues solely in her official  
21 capacity as the Operations Manager of the Bureau of Electronic and Appliance Repair, Home  
22 Furnishings and Thermal Insulation ("Bureau"), Department of Consumer Affairs.

23 2. On or about January 18, 2011, the Bureau received an application for an electronic  
24 service dealer registration from Hector Palacios, also known as Hector Galvez Palacios  
25 ("Respondent"), doing business as IDoctor Repairs. Respondent certified under penalty of  
26 perjury that all statements, answers, and representations in the application were true and correct.  
27 The Bureau denied the application on November 28, 2011.

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1 (c) A board may deny a license regulated by this code on the ground that  
2 the applicant knowingly made a false statement of fact required to be revealed in the  
3 application for the license.

4 6. California Code of Regulations, title 16, section 2767 states, in pertinent part:

5 For the purposes of denial, suspension, or revocation of the registration of  
6 a repair service dealer pursuant to Division 1.5 (commencing with Section 475) of the  
7 Business and Professions Code, a crime or act shall be considered to be substantially  
8 related to the qualifications, functions or duties of a service dealer if to a substantial  
9 degree it evidences present or potential unfitness of a service dealer to perform the  
10 functions authorized by his registration in a manner consistent with the public health,  
11 safety, or welfare . . .

#### 12 FIRST CAUSE FOR DENIAL

##### 13 (Criminal Convictions)

14 7. Respondent's application is subject to denial pursuant to Code sections 9841,  
15 subdivision (a)(7), and 480, subdivisions (a)(1) and (a)(3)(A), in that Respondent was convicted  
16 of crimes which are substantially related to the qualifications, functions and duties of an  
17 electronic service dealer as follows:

18 a. On or about July 29, 2003, in the criminal proceeding titled *People v. Hector Galves*  
19 *Palacios* (Super. Ct. Tulare County, 2003, Case No. VCF112686-03), Respondent pled guilty to  
20 violating Health and Safety Code sections 11377, subdivision (a) (possession of a controlled  
21 substance), a felony, and 11364 (possession of a smoking device), a misdemeanor. The  
22 circumstances of the crimes are as follows: On or about July 13, 2003, Respondent possessed the  
23 controlled substance methamphetamine as well as a smoking device.

24 b. On or about March 16, 2009, in the criminal proceeding titled *People v. Hector*  
25 *Galves Palacios* (Super. Ct. Fresno County, 2009, Case No. M08920196), Respondent pled nolo  
26 contendere to violating Vehicle Code section 23152, subdivision (b) (driving with a .08% or  
27 higher blood alcohol level), a misdemeanor. The imposition of Respondent's sentence was  
28 suspended and Respondent was placed on probation for 3 years on terms and conditions,  
including that Respondent obey all laws. The circumstances of the crime are as follows: On or  
about May 24, 2008, Respondent drove a vehicle while having a blood alcohol level of 0.14%.

c. On or about March 29, 2010, in the criminal proceeding titled *People v. Hector*  
*Galves Palacios* (Super. Ct. Fresno County, 2010, Case No. M10000363), Respondent pled nolo

1 contendere to violating Penal Code section 647, subdivision (f) (public intoxication), a  
2 misdemeanor. The imposition of Respondent's sentence was suspended and Respondent was  
3 placed on probation for 3 years on terms and conditions. The circumstances of the crime are as  
4 follows: On or about October 17, 2009, Respondent was unlawfully in a public place while under  
5 the influence of intoxicating liquor, a drug, a controlled substance, and/or toluene in such a  
6 condition that he was unable to exercise care for his own safety and the safety of others and  
7 interfered with, obstructed, and prevented the free use of a street, sidewalk, and other public way.  
8 The incident occurred while Respondent was on probation for his conviction of March 16, 2009.

9 **SECOND CAUSE FOR DENIAL**

10 **(False or Misleading Statements)**

11 8. On or about January 18, 2011, Respondent submitted an application for electronic  
12 service dealer registration to the Bureau, as set forth in paragraph 2 above. Respondent indicated  
13 in his response to Item 10 on the application that he had been convicted of a felony or  
14 misdemeanor. Question 13 on the application stated, "If you answered YES to having ever been  
15 convicted of a felony or misdemeanor in Items 10 or 11, give the particulars of each, including  
16 penal code numbers or criminal case numbers".

17 9. Respondent's application is subject to denial pursuant to Code sections 9841,  
18 subdivision (a)(1), and 480; subdivision (a)(3)(A), in that Respondent made statements which he  
19 knew, or in the exercise of reasonable care should have known, to be untrue or misleading, as  
20 follows: Respondent certified under penalty of perjury on his application that he had been  
21 convicted of possession of a controlled substance in 2003 and DUI (driving under the influence)  
22 in 2008, but failed to disclose his March 29, 2010, conviction for public intoxication, set forth in  
23 subparagraph 7 (c) above. Further, Respondent concealed the fact that he had also been convicted  
24 of possession of a smoking device in 2003, as set forth in subparagraph 7 (a) above.

25 **THIRD CAUSE FOR DENIAL**

26 **(Dishonest Acts)**

27 10. Respondent's application is subject to denial pursuant to Code section 480,  
28 subdivision (a)(2), in that Respondent committed acts involving dishonesty, fraud or deceit with

1 the intent to substantially benefit himself or another, or substantially injure another, as set forth in  
2 paragraph 9 above.

3 **FOURTH CAUSE FOR DENIAL**

4 **(False Statement in Respondent's Application for Registration)**

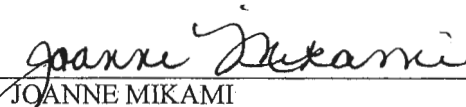
5 11. Respondent's application is subject to denial pursuant to Code section 480,  
6 subdivision (c), in that Respondent knowingly made false statements of fact required to be  
7 revealed in his application for registration as an electronic service dealer, as set forth in paragraph  
8 9 above.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Director of Consumer Affairs issue a decision:

- 12 1. Denying the application of Hector Palacios, also known as Hector Galvez Palacios,  
13 doing business as IDoctor Repairs, for an electronic service dealer registration;  
14 2. Taking such other and further action as deemed necessary and proper.

15  
16 DATED: 4/5/12

  
17 JOANNE MIKAMI  
18 Operations Manager  
19 Bureau of Electronic and Appliance Repair, Home  
20 Furnishing And Thermal Insulation  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant  
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